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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,424	04/19/2001	Frederic Bauchot	FR920000030US1	3573

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IBM CORPORATION
INTELLECTUAL PROPERTY LAW DEPT
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EXAMINER
STEVENS, ROBERT

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/838,424	BAUCHOT ET AL.
	Examiner	Art Unit	
	Robert Stevens	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified.copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) ☐ Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____ .	6) ☐ Other: _____ .

DETAILED ACTION

1.		This action is responsive to communications: appeal brief filed 6/6/2005.

2.		The Office withdraws the previous rejections under 35 USC §§101, 112 –2nd

paragraph and 103(a).

3.		New rejections under 35 USC §§101 and 103(a) are set forth below.

4.		This action is **NON-FINAL**.

5.		Claims 1-9 are pending. Claim 1 and 8 are independent.

Claim Rejections - 35 USC § 101

6.		35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7.		**Claims 1-5 and 8 are rejected under 35 U.S.C. 101** because the claimed

invention is directed to non-statutory subject matter.

Regarding independent claim 1: This claim recites a series of steps for defining functions, not actually implementing the functions or otherwise making them available for use as stored executable code. As such, the claim appears to be directed to abstract ideas rather than a practical application of the idea that produces a useful, concrete and tangible result. There is no transformation that takes place that would notify someone that the content of a cell had been impacted, for instance.

Regarding claims 2-5: These claims depend upon claim 1, and do not correct the issues raised regarding claim 1.

Regarding independent claim 8: This claim recites a series of means, all of which may be reasonably interpreted as software routines. As such, the claimed system lacks the hardware necessary to realize any of the underlying functionality of the means. This claim may be reasonably interpreted as being directed to software per se

Specification

8.   The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The term "computer-usable medium" did not appear in the specification.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   **Claims 1-9 are rejected under 35 U.S.C. 103(a)** as being unpatentable over

Greif et al (US Patent No. 5,371,675, filed Jun. 3, 1992 and issued Dec. 6, 1994,

hereafter referred to as "Greif") in view of Douglas Hergert, <u>Mastering 1-2-3® 97 Edition</u>

<u>for Windows® 95</u>, Sybex Inc., San Francisco, CA, © 1997, pp. 123-127, 130-147, 248-

267, 277-279, 436-489, 615-621, 664-666 and 672-674, hereafter referred to as

"Hergert").

Independent claim 1 states:

A method, implemented on a computer system, of handling user-defined options during a copy and paste or a cut and paste operation within a multidimensional spreadsheet comprising a plurality of cells identified by a cell address along each dimension, said method comprising the steps of:
defining one or a plurality of combinations, each combination comprising one or a plurality of options;
defining a source cell range and a destination cell range;
defining an operation to execute, either copy and paste, or cut and paste;
for each defined option combination comprising one or a plurality of options, if at least one cell in the source cell range comprises a reference to said one or plurality of options,
computing the content of each cell within the source cell range according to said one or plurality of options;

> creating a version instance of the destination cell range;
> copying the source range of cells into said version instance; and
> when the last option combination is copied, clearing the source cell
> range if the operation is cut and paste;
> wherein each of said options is defined as a Boolean variable, which can
> be set as "True" or "False", and impact the content of a cell within an electronic
> cell spreadsheet.

Regarding these limitations ...

defining one or a plurality of combinations, each combination comprising one or a plurality of options;

Greif discloses the ability to create a plurality of alternative values for a range of cells in Figures 2 and 4. Further, in Figure 5, Greif shows the selecting from among a set of alternatives for the name range "PROMOTION". It is implicit that if these alternatives exist, that they were previously defined.

defining a source cell range and a destination cell range;
defining an operation to execute, either copy and paste, or cut and paste;

Although Greif teaches defining a range of cells, Greif does not explicitly disclose defining source and cell ranges to set up a cut/copy and paste operation. Hergert, however, discloses defining a source range of cells in #5 at the top of page 264. Hergert further discloses the use of a graphical user interface (GUI) to execute a Paste special command, after a copy is made to the system clipboard. Hergert further describes cutting and pasting in the first paragraph under the section entitled "Using the Cut-and-Paste Operation" on page 125. The Office notes that the operations of copying, cutting and pasting are well-known for electronic documents such as spreadsheets.

for each defined option combination comprising one or a plurality of options, if at least one cell in the source cell range comprises a reference to said one or plurality of options,
computing the content of each cell within the source cell range according to said one or plurality of options;

Greif discloses a GUI displaying alternatively computed values for ranges of cells

In Figure 5, Grief shows that for the named range "PROMOTION", one may choose

from three options or alternatives named World Wide Campaign, Based On Last Year,

and Decreased Spending, which store alternative computed monthly values for the cell

range B:9-E:9 (having a range name of "PROMOTION").

creating a version instance of the destination cell range;

Greif discloses creating alternative sets of user data for cell ranges in the

Abstract. An embodiment illustrating Greif's version instances can be found in Figure 5,

disclosing the World Wife Campaign alternative for the named cell range PROMOTION,

as reflected in the data values presented in cells B9-E9.

copying the source range of cells into said version instance; and

Although Greif discloses copying alternatives into scenarios to create further

versions of data in a cell range (See Figure 10), Greif does not explicitly disclose

cut/copy and paste operations. Hergert describes cutting and pasting to and from cell

ranges in the first paragraph under the section entitled "Using the Cut-and-Paste

Operation" on page 125.   It is well-known that cutting also copies the selected data

items. (See the referenced section, stating: "copies it to the Clipboard".) The Office

notes that the operations of copying, cutting and pasting are well-known for electronic

documents such as spreadsheets.

when the last option combination is copied, clearing the source cell range if the operation is cut and paste;

Greif does not explicitly disclose cut/copy and paste operations. Hergert

describes cutting and pasting to and from cell ranges in the first paragraph under the

section entitled "Using the Cut-and-Paste Operation" on page 125. It is well-known that

cutting removes data from the source or cut region. (See the referenced section, stating:

" this removes the data from the current range".) The Office notes that the operations of

copying, cutting and pasting are well-known for electronic documents such as

spreadsheets.

wherein each of said options is defined as a Boolean variable, which can be set as "True" or "False", and impact the content of a cell within an electronic cell spreadsheet.

Greif does not explicitly the use of Boolean logic in formulas. Hergert describes

the use of Boolean variables to impact the data value of a cell. See the definition of the

NPV function for calculating net present value on pages 619-621. Specifically, at the

top of page 620, Hergert describes the use of the variable "type" represented as 0 or 1

(i.e., boolean true or false) and impacting a cell data value. As explained in the

paragraphs below the description of "type", the boolean value associated with "type"

impacts the value of a cell (if false or 0, the value is 7202.56; whereas if true or 1, the

value is 7922.82)

It would have been obvious to one of ordinary skill in the art at the time of the

invention to apply the teachings of Hergert for the benefit of Greif, because to do so

would have enabled a spreadsheet user to conveniently store and compare different

versions of data in a single worksheet, as taught by Hergert in the first paragraph of

page 438. These references were all applicable to the same field of endeavor, i.e.,

Lotus 1-2-3 spreadsheets.

Regarding dependent claim 2, Greif discloses naming ranges, alternatives and

scenarios in Figures 2, 4 and 10. The actual name a user chooses to associate with a

range, alternative, scenario, etc, is merely an obvious variant.

Regarding dependent claims 3-5, Greif does not explicitly the use of Boolean

logic in formulas. Hergert describes the use of Boolean variables to impact the data

value of a cell. See the definition of the NPV function for calculating net present value

on pages 619-621. Specifically, at the top of page 620, Hergert describes the use of the

variable "type" represented as 0 or 1 (i.e., boolean true or false) and impacting a cell

data value. As explained in the paragraphs below the description of "type", the boolean

value associated with "type" impacts the value of a cell (if false or 0, the value is

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versions of data in a single worksheet, as taught by Hergert in the first paragraph of

page 438. These references were all applicable to the same field of endeavor, i.e.,

Lotus 1-2-3 spreadsheets.

Regarding dependent claims 6-7, Greif discloses a GUI for computing the

contents of a range of cells based upon the selection of an alternative or optional

version of data in Figure 5. Greif further discloses the well-known use of dialog boxes

for GUI windows in Figures 3 and 10.

Independent claim 8 states:

A computer system comprising:
means for defining one or a plurality of combinations, each combination comprising one or a plurality of options;
means for defining a source cell range and a destination cell range;
means for defining an operation to execute, either copy and paste, or cut and paste;
means for computing the content of each cell within the source cell range according to said one or plurality of options;
means for creating a version instance of the destination cell range;
means for copying the source range of cells into said version instance; and
wherein each of said options is defined as a Boolean variable, which can be set as "True" or "False", and impact the content of a cell within an electronic cell spreadsheet.

Regarding these limitations ...

means for defining one or a plurality of combinations, each combination comprising one or a plurality of options;

Greif discloses the ability to create a plurality of alternative values for a range of

cells in Figures 2 and 4. Further, in Figure 5, Greif shows the selecting from among a

set of alternatives for the name range "PROMOTION". It is implicit that if these

alternatives exist, that they were previously defined.

means for defining a source cell range and a destination cell range;
means for defining an operation to execute, either copy and paste, or cut and
paste;

Although Greif teaches defining a range of cells, Greif does not explicitly disclose

defining source and cell ranges to set up a cut/copy and paste operation. Hergert,

however, discloses defining a source range of cells in #5 at the top of page 264.

Hergert further discloses the use of a graphical user interface (GUI) to execute a Paste

special command, after a copy is made to the system clipboard. Hergert further

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copying, cutting and pasting are well-known for electronic documents such as

spreadsheets.

means for computing the content of each cell within the source cell range
according to said one or plurality of options;

Greif discloses a GUI displaying alternatively computed values for ranges of cells

In Figure 5, Grief shows that for the named range "PROMOTION", one may choose

from three options or alternatives named World Wide Campaign, Based On Last Year,

and Decreased Spending, which store alternative computed monthly values for the cell

range B:9-E:9 (having a range name of "PROMOTION").

means for creating a version instance of the destination cell range;
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Abstract. An embodiment illustrating Greif's version instances can be found in Figure 5,

disclosing the World Wife Campaign alternative for the named cell range PROMOTION,

as reflected in the data values presented in cells B9-E9.

means for copying the source range of cells into said version instance; and
Although Greif discloses copying alternatives into scenarios to create further

versions of data in a cell range (See Figure 10), Greif does not explicitly disclose

cut/copy and paste operations. Hergert describes cutting and pasting to and from cell

ranges in the first paragraph under the section entitled "Using the Cut-and-Paste

Operation" on page 125. It is well-known that cutting also copies the selected data

items. (See the referenced section, stating: "copies it to the Clipboard".) The Office

notes that the operations of copying, cutting and pasting are well-known for electronic

documents such as spreadsheets.

***wherein each of said options is defined as a Boolean variable, which can be set
as "True" or "False", and impact the content of a cell within an electronic cell
spreadsheet.***
Greif does not explicitly the use of Boolean logic in formulas. Hergert describes

the use of Boolean variables to impact the data value of a cell. See the definition of the

NPV function for calculating net present value on pages 619-621. Specifically, at the

top of page 620, Hergert describes the use of the variable "type" represented as 0 or 1

(i.e., boolean true or false) and impacting a cell data value. As explained in the

paragraphs below the description of "type", the boolean value associated with "type"

impacts the value of a cell (if false or 0, the value is 7202.56; whereas if true or 1, the

value is 7922.82)

It would have been obvious to one of ordinary skill in the art at the time of the

invention to apply the teachings of Hergert for the benefit of Greif, because to do so

would have enabled a spreadsheet user to conveniently store and compare different

versions of data in a single worksheet, as taught by Hergert in the first paragraph of

page 438. These references were all applicable to the same field of endeavor, i.e.,

Lotus 1-2-3 spreadsheets.

Claim 9 is directed a computer usable medium comprising the instructions for

implementing the method of claim 1. As such, this claim is substantially similar to claim

1 and therefore likewise rejected.

Response to Arguments

11.   Applicant's arguments have been fully considered but they are not persuasive.

On pages 7-8, Applicant's arguments vice the claim rejection under 35 USC 112-

2nd is rendered moot, as that rejection has been withdrawn.

On pages 9-11, Applicant's arguments vice the rejection of claim 9 under 35 USC

101 is rendered moot, as that rejection has been withdrawn. Rejections of the claims

under 35 USC 101, and set forth above, have been made after consultation of USPTO

Quality Review supervisors.

On pages 11-17, Applicant's arguments are directed to the previous rejections to

the claim under 35 USC 103(a) as being unpatentable over Kelly in view of Ammirato or

Kelly in view of Ammirato and Deitel. These arguments are deemed to be moot

because this art is no longer being cited.

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

US Patents

Rothermel et al	6,948,154
Hatakeda et al	6,057,837
Wlaschin et al	5,893,087
Hug et al	5,806,078

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Robert Stevens whose telephone number is (571) 272-

4102. The examiner can normally be reached on M-F 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather R. Herndon can be reached on (571) 272-4136. The current fax

phone number for the organization where this application or proceeding is assigned is

703-872-9306. Additionally, the main number for Technology Center 2100 is (571) 272-

2100.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Robert Stevens
Art Unit 2176
Date: March 9, 2006

rms

WILLIAM BASHORE
PRIMARY EXAMINER
3/19/2006